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Attorneys for Plaintiff
J & J Sports Productions, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

vs.

FRANCO CRUZ TORRES,

Defendant.

Case No. 3:13-CV-05644-EMC

**PLAINTIFF'S CASE MANAGEMENT
CONFERENCE STATEMENT**

ORDER RESETTING CMC

FOR: Honorable Edward M. Chen

DATE: Thursday, March 27, 2014

TIME: 9:00 A.M.

Pursuant to this Court's Civil Local Rule, the Plaintiff submits its Case Management Conference Statement for the consideration of this Honorable Court. This Statement is "unilateral" in nature because the defendant has failed to answer or respond to Plaintiff's complaint.

WHEREFORE, the Plaintiff makes the following representations and recommendations:

1. STATEMENT OF FACTS AND EVENTS UNDERLYING THIS ACTION.

Plaintiff's Position:

Plaintiff, J & J Sports Productions, Inc., claims that the defendant Franco Cruz Torres, individually and d/b/a Mink Bar and Lounge a/k/a Francescas Mink Bar and Lounge, misappropriated a televised professional boxing *Program* to which the Plaintiff owned the exclusive commercial exhibition rights and thereafter exhibited the *Program* at the commercial establishment

(Mink Bar and Lounge a/k/a Francescas Mink Bar and Lounge) in Daly City, California which he operates. The subject *Program*, broadcast on Saturday, December 8, 2012, was *Manny Pacquiao v. Juan Manuel Marquez, IV Welterweight Fight Program*, (hereinafter "*Program*").

Defendant Franco Cruz Torres has failed to answer Plaintiff's Complaint. On March 17, 2014, Plaintiff filed its Request for Entry of Default as to defendant Franco Cruz Torres. The Clerk entered default against defendant Franco Cruz Torres on March 19, 2014. Plaintiff will file its Application for Default Judgment by the Court, shortly.

2. JURISDICTION AND SERVICE.

Plaintiff's Position:

There are no issues as to jurisdiction of the subject matter, jurisdiction of the parties herein, or as to venue. The defendant Franco Cruz Torres has been served Plaintiff's initiating suit papers. (ECF# 8).

3. THE PRINCIPAL FACTUAL ISSUES TO WHICH THE PARTIES DISPUTE.

Plaintiff's Position:

Plaintiff is unaware at this time of which principal factual issues remain unresolved.

4. THE PRINCIPAL LEGAL ISSUES TO WHICH THE PARTIES DISPUTE.

Plaintiff's Position:

Plaintiff is unaware at this time of which principal legal issues remain unresolved.

5. OTHER FACTUAL ISSUES WHICH REMAIN UNRESOLVED.

Plaintiff's Position:

The Plaintiff is unaware at this time of which other factual issues remain unresolved.

6. PENDING MOTIONS AND CURRENT STATUS.

Plaintiff's Position:

None at this time.

1 **7. AMENDMENT OF PLEADINGS.**

2 **Plaintiff's Position:**

3 The Plaintiff does not anticipate amending its pleadings at this time.

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5 **8. COMPLIANCE WITH EVIDENCE-PRESERVATION REQUIREMENTS.**

6 **Plaintiff's Position:**

7 The Plaintiff and its counsel have taken affirmative steps to preserve evidence related to the
8 issues presented by the instant action.

9
10 **9. DISCLOSURES.**

11 **Plaintiff's Position:**

12 If defendant defends this action, Plaintiff will serve its Initial Disclosures upon the defendant
13 pursuant to the Federal Rules of Civil Procedure.

14 **10. DISCOVERY.**

15 **Plaintiff's Position:**

16 The Plaintiff respectfully requests that the discovery in this action not be limited nor
17 conducted in phases. If necessary, the Plaintiff proposes a discovery (expert and non-expert) cutoff
18 date of December 1, 2014.

19
20 **11. CLASS ACTION STATUS.**

21 **Plaintiff's Position:**

22 Not anticipated.

23
24 **12. RELATED CASES.**

25 **Plaintiff's Position:**

26 There are no other active commercial signal piracy cases involving the instant defendant
27 pending before the United States District Court for the Northern District of California (or any other
28 Court) at this time.

13. DAMAGES AND OTHER RELIEF.**Plaintiff's Position:**

Plaintiff seeks statutory damages, actual damages, attorneys' fees and costs against the named defendant. The computations of Plaintiff's damages prayed for in the complaint filed in this action are, as follows:

a. 47 U.S.C. 605 (e)(3)(B)(iii) and (c)(ii):	\$ 110,000.00
b. 47 U.S.C. 553 (b)(2) and (c)(2)(c):	\$ 60,000.00
c. Conversion:	TO BE DETERMINED
d. Violation of Cal. B&P §17200	TO BE DETERMINED
e. Attorneys' fees:	TO BE DETERMINED
f. <u>Costs:</u>	<u>TO BE DETERMINED</u>

Total: **TO BE DETERMINED**

14. SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION.**Plaintiff's Position:**

If necessary, Plaintiff proposes a settlement conference before a U.S. District Court Magistrate Judge as the ADR process in this action.

15. CONSENT TO JURISDICTION BY A MAGISTRATE JUDGE.**Plaintiff's Position:**

The Plaintiff does not consent to jurisdiction of this action by a magistrate judge.

16. OTHER REFERENCE.**Plaintiff's Position:**

None.

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1 **17. NARROWING OF ISSUES.**

2 **Plaintiff's Position:**

3 The Plaintiff cannot determine at this particular time which issues may be narrowed, as
4 discovery will be necessary to do so.

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6 **18. EXPEDITED SCHEDULE.**

7 **Plaintiff's Position:**

8 This case will not require an expedited schedule.

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10 **19. PROPOSED DATES:**

11 **Plaintiff's Position:**

12 If necessary, the Plaintiff proposes the following schedule for future proceedings:

- | | |
|---|-------------------------------|
| 13 a. Plaintiff's Last Day to Amend Pleadings: | October 15, 2014 |
| 14 b. Last Day to Disclose Experts: | November 1, 2014 |
| 15 c. Expert and Non-Expert Discovery Deadline: | December 1, 2014 |
| 16 d. Last Day to hear Dispositive Motions: | January 15, 2015 |
| 17 e. Pre-trial Conference: | To Be Determined by the Court |
| 18 f. Trial: | March 2015 |

19 **20. PROPOSED TRIAL SCHEDULE.**

20 **Plaintiff's Position:**

21 The Plaintiff believes any trial in this action could be conducted in two (2) to three (3) days.
22 If such becomes necessary, the Plaintiff requests a bench trial to commence in March 2015.

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24 **21. DISCLOSURES OF NON-PARTY INTERESTED PARTIES.**

25 **Plaintiff's Position:**

26 The Plaintiff has filed the required disclosure statement.

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1 **22. OTHER MATTERS.**

2 **Plaintiff's Position:**

3 None at this time.

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Signature and Certification By Lead Trial Counsel

Pursuant to Civil L.R. 16-12, the undersigned certifies that he or she has read the brochure entitled "Dispute Resolution Procedures in the Northern District of California," discussed the available dispute resolution options provided by the Court and private entities and has considered whether their case might benefit from any of the available dispute resolutions options.

Date: March 20, 2014

/s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

J & J Sports Productions, Inc.

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Case Management Order (Proposed)

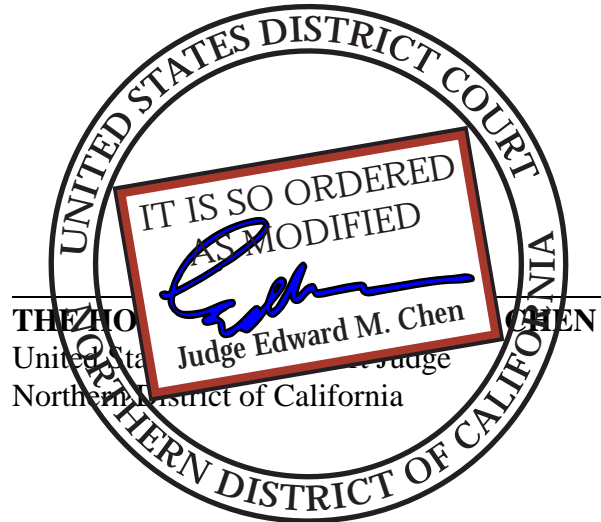
The above Case Management Conference Statement and Proposed Order is approved as the Case Management Order for this case and all parties shall comply with its provisions.

In addition the Court makes the further orders stated below:

The CMC is reset from 3/27/14 to 6/5/14 at 10:30 a.m. A joint CMC statement shall be filed by 5/29/14.

3/25/14

Dated:



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PROOF OF SERVICE (SERVICE BY FIRST CLASS MAIL)

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is First Library Square 1114 Fremont Avenue, South Pasadena, California 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On March 20, 2014, I caused to serve the following documents entitled:

PLAINTIFF'S CASE MANAGEMENT CONFERENCE STATEMENT

On all parties referenced by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was addressed to:

Franco Cruz Torres (Defendant)
6192 Mission Street
Daly City, CA 94014

The fully sealed envelope with pre-paid postage was thereafter placed in our law firm's outbound mail receptacle in order that this particular piece of mail could be taken to the United States Post Office in South Pasadena, California later this day by myself (or by another administrative assistant duly employed by our law firm).

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on March 20, 2014, at South Pasadena, California.

Dated: March 20, 2014

/s/ Vanessa Morales
VANESSA MORALES